REMARKS

In view of the above amendments and the following remarks, reconsideration is respectfully requested.

By this amendment, the previously pending claims have been cancelled without prejudice in favor of newly added claims 29-38. No new matter has been added.

Claim 27 has been rejected under 35 US.C. §101 as being directed to non-statutory subject matter. Since claim 27 has been canceled, withdrawal of the rejection under 35 U.S.C. §101 is respectfully requested.

Claims 1-3, 5, 6, 10, 13-15, 17, 18, 22 and 26-28 have been rejected under 35 U.S.C. §102(b) as being anticipated by *Kondo* (EP0886276). While Claims 4, 7-9, 11-12, 16, 19-21 and 23-25 have been rejected under 35 U.S.C. §103(a) as being obvious over *Kondo*.

Finally, Claims 8 and 20 have been rejected under 35 U.S.C. §103(a) as being obvious over *Kondo* and *Murase* (U.S. Patent No. 5,907,658).

The Applicants respectfully traverse the Examiner's aforementioned prior art rejection. Nonetheless, without intending to acquiesce to the Examiner's aforementioned rejections and in order to expedite allowance of this application, the Applicants have drafted each of newly added independent Claims 29, 33, 37 and 38 so as to be clearly distinguished from the prior art references relied upon by the Examiner. Accordingly, it is submitted that each of newly added independent Claims 29, 33, 37 and 38, as well as Claims 30-32 and 34-36 dependent thereon, is clearly patentably distinguished from the prior art references relied upon by the Examiner for at least the following reasons.

With respect to the rejection of previous independent Claim 1, the Examiner asserted, on Page 5, Lines 8-19 of the Office Action, that *Kondo* discloses:

a)   a recording medium having recorded thereon a video stream and graphics stream, wherein the video stream represents a moving picture made up of a plurality of pictures (Figure 1);

b)   the graphics data is used for generating the multi-page menu (Figure 5, next takes the user to the next menu page); and

c)   the interactive control information includes time information used for controlling behavior of the multi-page menu in accordance with a playback proceeding of the video stream (Column 13-14, Lines 54-56).

Additionally, with respect to the rejection of previous dependent Claims 2, 3 and 5, the

Examiner asserted, on Pages 6 and 7, Lines 1-6 of the Office Action, that *Kondo* discloses:

d)   the multi-page menu behavior including presentation of the main page in accordance with the playback proceeding of the video stream (Figure 5), on Page 6, Line 4-6 of the Office Action;

e)   the time information including timing information showing a time for presentation of the main page (Columns 13,14, effective time, start time and end time, Lines 54-6),

f)   the time information including first timeout information showing a time for automatically activating the button material (Columns 13,14, effective time, start time and end time, lines 54-6), on Page 6, Lines 15-17 of the Office Action; and

g)   the time information (Column 13, time duration, Line 55-57) including second timeout information showing a time for automatically removing the on-screen sub page (if the user is on the next page or selects one of the selections it is considered the sub page), on Page 7, Lines 2-6 of the Office Action.

However, the Applicants disagree with the Examiner's aforementioned assertions and

submit that the Kondo reference fails to disclose or suggest the features recited in each of the

newly added claims. That is, the *Kondo* reference fails to disclose or suggest the following

claimed elements, "a video stream and a graphics stream," "interactive control segment including

multi-page information and time information, the time information including information to

transition the display state of the multi-page menu in accordance with reproduction proceeding

of the video stream" as particularly recited in newly added independent Claim 29, "the time out information indicating a time to automatically activate the button in a selected state on the first page, thereby transitioning from the first page only display state to the multi-page display state" as recited in newly added Claim 30, "user interface model information" as recited in newly added Claim 31, and "Always-On and Pop-Up" as recited in newly added Claim 31.

According to newly added independent Claim 29, reproduction of the multi-page menu can be controlled even if many multi-pages are displayed while an animation is shown on a display and each of the pages automatically disappear when the reproduction reach a climax of a movie, because newly added independent Claim 29 includes the time information to transition the display state of the multi-page menu in accordance with reproduction proceeding of the video stream. Therefore, a user can enjoy watching the main scene, such as a movie, without stopping the scene, and at the same time control the multi-page system during reproduction of the video stream.

According to newly added independent Claim 29, the display state of the multi-page menu is capable of transition from a no menu display state to the first page only display state or from the first page only display state to the multi-page display state without interrupting the reproduction of the video stream, because the multi-page information defining the display composition of the multi-page information is multiplexed in the graphics stream, not the video stream, and is reproduced with picture data comprising the video stream during the reproduction of the video stream.

Figure 13 of our application depicts an example for specifically showing a state change of the multi-page menu.

The state change of the multi-page menu indicates that a menu is not initially displayed (No menu display state), the first page is displayed at t1 (the first page only display state) and the Sub Page in addition to the first page is displayed at t2 (the multi-page display state). The first page only display is displayed for disappearance of the sub page when the time for reproducing the video stream arrives at t3 and the first page disappears and the display is changed to the no menu display state at t4.

The *Kondo* reference discloses a recording medium for recording one stream including MPEG-encoded video information, sub-picture information, highlight information and highlight command. The MPEG encoded video information includes data for displaying a static image during a display period, and a type of partially or entirely dynamic image and is used to display the background image 401 as shown in Figure 5 (Column 20, Line 58 to Column 21, Line 8). The sub-picture video information includes data for a composition of the sub picture image 402 as shown in Figure 5 and is used to indicate a selected number or selected contents, which is a main part of the menu screen based on user operation (Column 21, Lines 9-14).

The highlight information is information to change a display color and a luminance of a frame of the selected item to a predetermined selection color and selection of luminance in accordance with the highlight command and the button command in order to check the selection of any selected item from the selection items listed on the menu display (Column 21, Lines 15-21). The highlight command is a command for instructing a filename to be read out and for reading out the file name (Column 21, Lines 35-38). The reproducing apparatus executes the highlight command in the highlight information <u>when the audience or viewer carries out the selection, operation</u> by using a remote controller (Column 22, Lines 47-58).

First, the *Kondo* reference fails to disclose "the time information," as recited in newly added independent Claim 29, which includes information to enable a transition the display state of the multi-page menu in accordance with the reproduction of the video stream, and not a user operation or an execution by users as disclosed in *Kondo*. The information included in the graphics stream is different from contents of the highlight information and the highlight command. Although the Office Action has pointed out "the effective duration" in Column 13, Lines 55-57, and "start time and end time" in Column 14, Lines 1-6, the effective duration and time only define a valid period for accepting a selecting operation by users and displaying the selection buttons in the sub picture image 402 (Figure 5), and do not indicate a time for automatically changing the display state, such as from a first page only display state to the multi-page display state as recited the claims.

As asserted on Page 7, Lines 5-6 of the Office Action, the displayed command in subpage image 402 is executed when the user selects one of the command. The transition of display state in multi-page menus recited in the claims synchronizes with the time of reproduction of the video stream which is used to display the back dynamics image. The highlight information and highlight command is merely information for changing color and a luminance of the frame of the picture image 402, 403 to a predetermined color and luminance based on the user operation and this disclosed information is not used to transition among a no-menu display state, a first page only display state and a multi-page display state.

Secondly, controlling the state of display in the multi-page menu is different between our current claims and the disclosure in the *Kondo* reference.

The *Kondo* reference discloses that an interactive screen is reproduced (Step 7, Column 24, Lines 2-11), when a key input is carried out (Step 8, Column 24, Lines 15) and a CPU judges

whether the transmission data corresponding to the key input is presented or not (Step 9, Column 24, Line 17). The transmission data corresponding to the key input implies any data to be read out from a DVD and transmitted to the personal computer, for example, such as a case in which the address information of the home page of an Internet is read out and transmitted to a personal computer is based on the highlight command (Column 24, Lines 17-25). Subsequently, the transmission data is output to the personal computer 502 (Step15, Column 25, Lines 33-37). Therefore, the control disclosed in the *Kondo* reference is <u>to execute a displayed command to transmit an address of a web-page in the Internet to the personal computer and display a menu corresponding to the address on a display of the computer, and is not to transition a multi-page menu as recited in our claims in accordance with the reproduction of the video image</u>.

Additionally, although the Office Action also asserts that NEXT takes the user to the next menu page on Page 5, Lines 16-17, and this transition of page is executed by a user. This page indicating title "1. TOKYO INQUIRY," "TRADITIONAL TOWN, TOKYO" et al., as shown in Figure 4 of *Kondo* reference, is only removed and replaced by a new page indicating the next title, such as title "5. xyz," and is <u>not for piling up other pages on the first page and certainly not for displaying multi pages</u>.

Thirdly, the Office Action asserts that a video stream and a graphics stream including an interactive control segment which contains multi-page information was disclosed in Figure 1 of the *Kondo* reference, on Page 5, Lines 10-15 of the Office Action. The Applicants respectfully disagree with the aforementioned assertion.

As shown in Figure 1 of the *Kondo* reference, highlight information corresponding to the interactive control segment as asserted by the Office Action is packed in PCI 50 (Column 13, line 50-58), and the stream shown in Figure 1 contains the PCI packet 50 <u>with some packets</u>

including video/audio data. The streams recited in newly added independent Claim 29 are two types of streams containing video/audio data and the interactive control segment, respectively. In other words, the graphics stream includes information for controlling the behavior of the multi-page in accordance with reproducing the video stream, which is an interactive control segment, and the graphics object for displaying any multi-page menu, which is the object definition segment, and does not include the video data for displaying any background display such as a dynamic image. <u>This video data displaying dynamic image, i.e., movie, as the background display, is contained in the video stream separate from the graphics stream.</u>

However, the stream shown in Figure 1 of the *Kondo* reference is only one data stream and includes both control information for controlling menu page and video/audio data for a back image. Since the stream disclosed in *Kondo* reference has the structure described above, any show images in a background display is interrupted and stopped when a user operation is executed and the menu display is shown.

Thus, the *Kondo* reference fails to disclose or suggested our improved features as particularly recited in the newly added claims with respect to the state of the multi-page menu, information included in the graphics stream and control information in accordance with reproduction of the video stream, and the *Kondo* reference clearly fails to disclose or suggest "graphics stream," "multi-page information" and "time information," as particularly recited in newly added independent Claim 29.

The Applicants submit that the *Murase* reference also fails to disclose or suggest the aforementioned shortcomings of the *Kondo* reference.

Particularly, the *Murase* reference, as shown in Figure 8, discloses a disk reproducing apparatus displaying Item #1 in a selected state for a default operation and another Item in a

standard state when a user menu is displayed. A user can press, up, down, left or right keys on a remote controller for the disk reproducing apparatus and can instruct the reproducing apparatus to change a selected Item so that the user can change a menu to a selected state.

Highlight information contained in a management pack will include information to change the button state. "Item color information" in highlight information, as shown in Figure 10B, reference No. b6, is information to indicate a selection color and a determination color for Items. The selection color means a color for an item selected by user and the determined color means a color for an item activated by user. Combinations of the selected color and the activated color have three patterns and each of the color indications are comprised by a combination rate of an indicated color and background color. The highlight information also can include item information corresponding to each of the Items. A color pattern number in the item information indicates one of color patterns of the selected color- the activated color in Item color information. The highlight information includes start coordinate X1, start coordinate X2, end coordinate X2 and end coordinate Y2 which indicate the range of an area where the specified color and mixture ratio are applied to when an item is selected or determined by the user (Column 15 and 16, Lines 28-64).

Therefore, *Murase* discloses that DVD application is operable to change a state of a button based on a combination of color and color rate as indicated in a color pattern number packed in the management pack. Accordingly, it is clear that the *Murase* reference also fails to disclose a state of a multi-page menu, information included in the graphics stream and control information in accordance with reproduction of the video stream, and "graphics stream," "multi-page information" and "time information" as now particularly recited in the newly added independent claims.

As noted in the MPEP at §2143.02:

> A rationale to support a conclusion that a claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods <u>with no change in their respective functions</u>, and <u>the combination would have yielded nothing more than predictable results</u> to one of ordinary skill in the art. *KSR International Co. v. Teleflex Inc.,* 550 U.S. ___, ___, 82 USPQ2d 1385, 1395 (2007); *Sakraida v. AG Pro, Inc.,* 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.,* 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.,* 340 U.S. 147, 152, 87 USPQ 303, 306 (1950). (underline added)
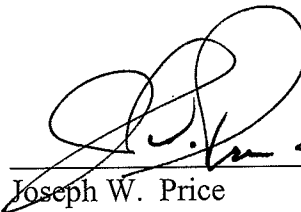
It is noted that newly added independent Claims 33, 37 and 38 have been drafted to contain similar features as noted above in newly added independent Claim 29. Accordingly, based on at least the same arguments provided above for newly added independent claim 29, Applicants submit that the *Kondo* and *Murase* references also fail to disclose or suggest the particular features recited in each of newly added independent Claims 33, 37 and 38. That is, it is submitted that the *Kondo* and *Murase* references fail to disclose or suggest "graphics stream," "multi-page information" and "time information" as specially recited in each of newly added independent Claims 33, 37 and 38.

In view of the foregoing, it is submitted that the present invention is clearly allowable and the Examiner is kindly requested to promptly pass this case to issuance.

If the Examiner believes a telephone interview will help further the prosecution of this case, the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

SNELL & WILMER L.L.P.

Joseph W. Price
Registration No. 25,124
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
Telephone: (714) 427-7420
Facsimile: (714) 427-7799